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PTO/SB/61 (10-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**Docket Number (Optional)
00007-001

First named inventor: David P. Tremblay Group Art Unit: 3723
Application Number: 09/702,957 Examiner: James G. Smith
Filed: 31 October 2000
Title: Apparatus and Method for Assisting Mechanics with the
Removal and Replacement of Brake Drums
Attention: Office of Petitions
Assistant Commissioner for Patents
Box DAC
Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee--required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay

1. Petition fee

- ☒ small entity - fee \$ 55.00 (37 CFR 1.17(l)). Applicant claims small entity status.
See 37 CFR 1.27.
☐ other than small entity - fee \$ _____ (37 CFR 1.17(l)).

2. Reply and/or fee

- A. The reply and/or fee to the above-noted Office action in
the form of a Response to Restriction Requirement (identify the type of reply):
with Traverse
☐ has been filed previously on _____.
☒ is enclosed herewith.

B. The issue fee of \$ _____

- ☐ has been paid previously on _____.
☐ is enclosed herewith.

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Burden Hour Statement: This form is estimated to take 1.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)****3. Terminal disclaimer with disclaimer fee**

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$_____ for a small entity of \$_____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

25 October 2002

Date

Telephone

Number: (309) 637-4900

David A Chambers

Signature

David A. Chambers, #50,788

Typed or printed name

Husch & Eppenberger, LLC

Address

401 Main Street, Suite 1400

Peoria, IL 61602-1241

Enclosures: ☒ Fee Payment

☒ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unavoidable delay

☒ Acknowledgment Card

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Certificate of Mailing

"Express Mail" mailing label number: EU764613773US Date of Deposit: 25 October 2002

I hereby certify that this correspondence is being deposited with the United States Postal Service via "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Box DAC, Assistant Commissioner for Patents, Washington, D.C. 20231.

Deborah Lane-Christian
Deborah Lane-Christian

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

25 October 2002
Date

David A. Chambers
Signature

David A. Chambers, #50,788
Typed or printed name

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply)

Please see the enclosed Petition for Revival of an Unavoidably Abandoned Patent Application Under 37 C.F.R. § 1.137(a) and Response to Office Action.

(Please attach additional sheets if additional space is necessary)

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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
David P. Tremblay and Karen A. Tremblay) Group Art Unit: 3723
Application No. 09/702,957)
Filed: 31 October 2000) Examiner: James G. Smith
For: *Apparatus and Method for Assisting*)
Mechanics with the Removal and)
Replacement of Brake Drums)
Attorney Docket No.: 00007-001)

Box DAC
Assistant Commissioner for Patents
Washington, D.C. 20231

PETITION FOR REVIVAL OF AN UNAVOIDABLY ABANDONED PATENT
APPLICATION UNDER 37 C.F.R. § 1.137(a) AND
RESPONSE TO OFFICE ACTION

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Dear Sir or Madam:

Applicants respectfully petition for the revival of the above-identified patent application pursuant to 37 C.F.R. § 1.137(a) which was unavoidably abandoned.

I. REQUIRED REPLY

A reply to the outstanding Restriction Requirement, dated September 06, 2001, is attached hereto pursuant to 37 C.F.R. § 1.137(a)(1).

II. PETITION FEE

The petition fee of \$55, pursuant to 37 C.F.R. § 1.137(a)(2) and 37 C.F.R. § 1.17(l), is enclosed herewith.

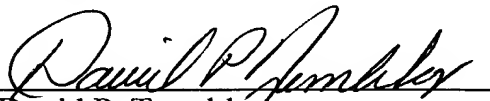
III. THE ABANDONMENT OF THE PRESENT APPLICATION WAS
UNAVOIDABLE

The applicants hereby state that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(a) was unavoidable.

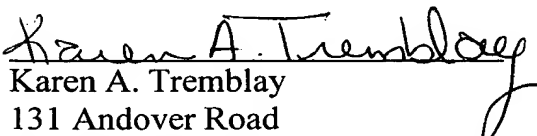
Upon review, the applicants state that a response to the Restriction Requirement was filed on or about October 5, 2001. Applicants became concerned because they had not heard back from the United States Patent and Trademark Office, so applicants contacted Examiner James G. Smith via telephone during the month of July 2002. Examiner Smith informed applicants that the application had gone abandoned and recommended that applicants file a petition stating same. Applicants filed a petition, which was denied by the United States Patent and Trademark Office in Paper No. 6, dated August 29, 2002.

Thereafter, applicants obtained counsel from Richard J. Musgrave, Reg. No. 44,960, to revive the unavoidably abandoned patent application.

Applicants hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


David P. Tremblay
131 Andover Road
Billerica, Massachusetts 01821 USA

10/23/02
Date


Karen A. Tremblay
131 Andover Road
Billerica, Massachusetts 01821 USA

10.23.02
Date

IV. CONCLUSION

A check in the amount of fifty-five dollars (\$55.00) is enclosed to cover the petition fee as set forth in 37 C.F.R. §1.17(l). The Commissioner is hereby authorized to charge any deficiency and credit any overpayment to **Deposit Account No. 08-3460** upon successful revival of this Application.

The undersigned submits that the present application became **unavoidably** abandoned and requests that the application be revived. If there are any questions or comments about this Petition, please contact the undersigned.

Respectfully submitted,



David A. Chambers, Reg. No. 50,788
Richard J. Musgrave, Reg. No. 44,960
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Peoria, Illinois 61602
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